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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,484	09/05/2003	Steven D. Jones	SUS01 P329	8700

277 7590 01/20/2006

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EXAMINER

KRAMER, DEVON C

ART UNIT PAPER NUMBER

3683

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/656,484	JONES ET AL.	
	Examiner	Art Unit	
	Devon C. Kramer	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 22-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-16 and 19 is/are rejected.
- 7) ☒ Claim(s) 17, 18, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/5/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

- 1) Applicant's election without traverse of Group II claims 12-21 in the reply filed on 11/14/05 is acknowledged.
- 2) Claims 1-11 and 22-26 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/14/05.

Claim Objections

- 3) Claim 18 objected to because of the following informalities: Claim 18 line 2, "said camming element" should be --said cam element--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

- 4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 5) Claims 12, 15-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langanke (4268018) in view of Renfer (1938860).

In re claim 12, 19, Langanke teaches gas assist strut (18) and coupling member (figure 1a) for pivotally coupling an end of a gas assist strut to an associated mounting ball (148) comprising: a gas assist strut having a movable rod (20) extending therefrom, a body (142) coupled to an end of said rod having a spherical socket with a pair of slots

communicating with said socket for receiving a generally C-shaped spring (845). Please note that the strut of Langanke contains a gas which acts partially on the piston.

Langanke lacks the cam arrangement.

Renfer teaches a body (26) including a recess configured to receive a cam (22) including a cam element and control handle (24), said cam nestably received within said recess of said body; and a generally C-shaped spring (18) positioned over said cam and engaging said body with said C-shaped spring including ends extending within said slots of said body for lockably engaging a tool (13), wherein said cam element when moved from a locking position to an unlocking position urges said ends of said spring at least partially out of said slots for releasing said body from an associated ball to decouple said strut from the associated ball.

It would have been obvious to have provided the strut end assembly of Langanke with the securing arrangement as taught by Renfer merely to provide a secure connection when the strut is in place and to allow for easy replacement or repair of the strut when needed.

In re claims 15-16, see figure 1 of Renfer.

6) Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langanke (4268018) in view of Renfer (1938860) and further in view of Pazdirek et al (6505989).

In re claims 13-14, both Langanke and Renfer lack the teaching of a polymeric housing.

Pazdirek et al teaches a polymeric housing for use in ball joints. (Col. 1 lines 10-12)

It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the housing of Langanke as modified by Renfer out of a polymeric material as taught by Pazdirek et al merely to reduce the weight of the device.

Allowable Subject Matter

7) Claims 17-18 and 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571)272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Devon C Kramer
Primary Examiner
Art Unit 3683

DK

DEVON C. KRAMER
PATENT EXAMINER

Devon C. Kramer
1/12/06